

REMARKS

Claims 1-9 and 21-33 are pending in the application. Claims 1, 8 and 21 are amended herein. Claims 30-33 are new. Applicants respectfully request continued examination.

Claims 1-9 and 21-29 were rejected under 35 USC §103(a) as being obvious over U.S. Patent 6,003,013 (“*Boushy*”) in view of U.S. Patent 6,332,126 (“*Peirce*”) and U.S. Application Pub. 20030027635 (“*Walker*”). Applicants respectfully traverse.

Applicants have amended the independent claims 1 and 21 to recite features of the invention that are not taught in any reference of record. Claim 1, for example, now recites:

*A method in a patron award system for selecting awards to be offered to patrons of a gaming establishment, the method comprising ...
providing ... a current activity database for storing observed preference data for said plurality of patrons ...
receiving in the current activity database observed preference data representing patron behavior, as observed by an employee of the gaming establishment, of at least a first patron of said plurality of patrons ...
determining for each of the awards a likelihood of acceptance by said first patron based upon at least (i) the historical transaction information involving said patrons including the first patron, (ii) the observed preference data of at least the first patron, and (iii) an operator-specified time period within which to consider the observed preference data;
sorting the two or more awards according to the likelihoods of acceptance*

...

Claim 21 has been similarly amended.

The amendments replace the term “substantially current transaction activity information” with the term “observed preference data”. Support for observed preference data can be found in the original specification, e.g., at U.S. Appl. Pub. 2004/0143496 pars. 0131 and 0188. The observed preference data represents patron preferences that are determined based on observed patron behavior, rather than preferences that are input or reported by the patrons themselves. *Id.* at pars 0128-0131. Examples of observed preference data include an observed location of a patron within the gaming establishment during a given time period, an observed time that a patron played a game within the gaming establishment, and a type of meal that a patron was observed to have ordered at a restaurant within the gaming establishment. *Id.* at par. 0188.

The amendments to claims 1 and 21 also add a feature whereby the method provides an operator with the freedom to specify a time period in which observed preference data is relevant to the determination calculus. This invention provides a method or system with the flexibility to reduce or expand the time period from which observed preference data may be sampled. For example, for a patron who rarely visits the gaming establishment, an operator may need to expand the time period to capture sufficient preference data to yield a meaningful likelihood of acceptance. On the other hand, for a patron who often visits the gaming establishment and whose preferences frequently change, an operator may need to reduce the time period to capture only the more recent observed preference data to yield a meaningful likelihood of acceptance. Support for determining a likelihood of acceptance based upon the observed preference data and based on an operator-specified time period can be found in the original specification, *e.g.*, *Id.* at pars. 0131 and 0192.

Applicants submit that no combination of *Boushy*, *Peirce* and *Walker* teaches or suggests the method for selecting awards comprising the limitation: “*determining for each of the awards a likelihood of acceptance by said first patron based upon at least (i) the historical transaction information involving said patrons including the first patron, (ii) the observed preference data of at least the first patron, and (iii) an operator-specified time period within which to consider the observed preference data*” as recited in claim 1. Applicants request that the §103 rejection of claim 1 be withdrawn. Applicants further request withdrawal of the §103 rejections of claims 2-9 and 28-29 based on dependency from claim 1.

Applicants submit that no combination of *Boushy*, *Peirce* and *Walker* teaches or suggests the computer-implemented patron award system having the limitation: “*logic executed by the processor configured to, based upon at least the historical transaction information, the observed preference data, and a operator-specified time period within which to consider the observed preference data ... sort the matched awards (etc.)*” as recited in claim 21. Applicants request that the §103 rejection of claim 21 be withdrawn. Applicants further request withdrawal of the §103 rejections of claims 22-27 based on dependency from claim 21.

New claims 30-33 each depend from claim 1 and should be allowed over the cited references for the same reason that claim 1 is allowable.

Claim 30 recites a feature whereby the determining step of claim 1 further comprises determining for each of the awards a likelihood of acceptance by said first patron based upon a time of day. This feature is supported in the original specification, *e.g.*, at U.S. Appl. Pub. 2004/0143496 pars. 0194. No combination of *Boushy*, *Peirce* and *Walker* teaches or suggests this feature. Applicants request allowance of claim 30.

Claims 31, 32 and 33 recite features whereby the observed preference data comprises, respectively, observed patron location, observed time played by a patron, and an observed meal type selected by a patron. These features are supported in the original specification, *e.g.*, at U.S. Appl. Pub. 2004/0143496 pars. 0131 and 0188. No combination of *Boushy*, *Peirce* and *Walker* teaches or suggests any of these features. Applicants request allowance of claims 31-33.

Conclusion

Based on all of the above, all pending claims are believed to be in condition for allowance. Allowance of the claims at the earliest possible date is earnestly requested. If prosecution of this application can be assisted by telephone, the Examiner may call the undersigned attorney at (510) 663-1100.

Applicant believes that no fees are due for filing this response. If any additional fees are in fact due, please charge the same to Deposit Account No. 504480 (Order No. IGT1P419BX1).

Respectfully submitted,
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